

REMARKS

This is intended as a full and complete response to the Office Action dated May 1, 2009, having a shortened statutory period for response extended one month set to expire on September 1, 2009. Please reconsider the claims pending in the application for reasons discussed below.

Statement of Substance of Interview

On August 19, 2009, a telephonic interview was held between Walter C. Grollitsch, Examiner Sullivan and the Examiner Ross. The parties discussed the cited reference Metcalfe (U.S. 6,543,552). Claim 1 was also discussed.

The arguments herein are presented in accordance with the substance of the interview to place the application in condition for allowance.

Claim Rejections - 35 U.S.C. § 102

The Examiner rejected claims 1-3, 6-19, 22, 23, 25, 29-35, 42, 43, 49, 52, 53, 63-65, and 98-100 under 35 U.S.C. § 102(e) as being anticipated by Metcalfe. Applicants respectfully traverse the rejection.

The Examiner asserts that Metcalfe discloses an expansion device 20 having expansion members 38 adapted to expand a tubing by inducing a compressive yield and a hoop stress expansion member (see Figure A below).

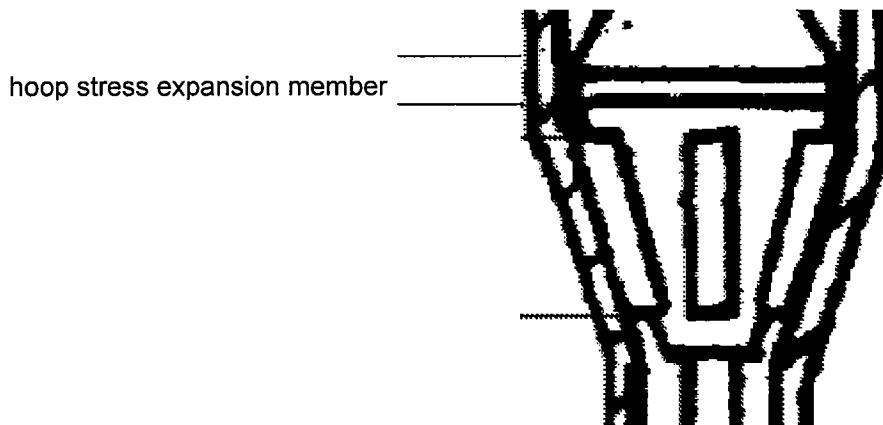


Figure A

The Examiner incorrectly identifies a portion of an expander disclosed in Metcalfe as a "hoop stress expansion member." In particular, the tubing shown in the drawing that is reproduced in the Office Action (i.e. Figure A) has a constant diameter both directly before and after the portion purported by the Examiner to be the hoop stress expansion member, such that no expansion by this portion is illustrated. Moreover, the specification of Metcalfe states at column 5, line 65 through column 6, line 1, that "the first expander section rollers 38 move in rolling contact around the inner wall of the tubing 18, and expand the tubing to an intermediate diameter." As discussed during the interview, the rollers 38 produce the expansion and not the portion that trails the rollers 38. As further evidence that the rollers 38 produce the expansion rather than the portion that trails the rollers 38, Applicants submit herewith Figure 1a (Exhibit 1) and Figure 3 (Exhibit 2) from GB 9900835 which is one of the foreign application priority documents for Metcalfe. Figure 1a illustrates an expansion device similar to the expansion device 30 of Metcalfe and Figure 3 illustrates a portion of the expansion device expanding a surrounding tubular. As shown in Figures 1a and 3, the rollers (similar to rollers 38 of Metcalfe) produce the expansion and not the portion that trails the rollers.

As the foregoing illustrates, Metcalfe fails to teach or suggest a device having "at least one expansion member adapted to expand a tubing by inducing a hoop stress in the tubing... and at least one further expansion member adapted to expand the tubing by inducing a compressive yield of the tubing, wherein... the device is arranged such that expansion of the tubing to a desired final diameter is carried out using the hoop stress inducing expansion member," as recited in claims 1 and 100. This failure precludes Metcalfe from anticipating claims 1 and 100. Therefore, Applicants respectfully request the 102(e) rejection of claims 1 and 100 be removed and allowance of the same. Additionally, the claims that depend from claim 1 are allowable for at least the same reasons as claim 1.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claim 44 under 35 U.S.C. § 103(a) as being unpatentable over Metcalfe in view of Lauritzen (U.S. 6,722,441). Applicants respectfully traverse the rejection. Claim 44 depends from claim 1. As set forth above, Metcalfe fails to teach all the limitations of claim 1. Further, Lauritzen fails to cure the deficiencies of Metcalfe. As such, the combination of Metcalfe and Lauritzen fails to render claim 44 obvious. Therefore, Applicants respectfully request the 103(a) rejection of claim 44 be removed and allowance of the same.

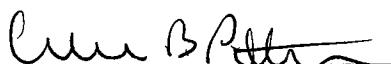
Allowable Subject Matter

The Examiner indicated claim 45 is allowed. Applicants acknowledge allowance of this claim.

Conclusion

Having addressed all issues set out in the Office Action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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